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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2013-808

12 **DIANA MICHELLE CAVE,**
13 **aka DIANA MICHELLE WASH**
14 **16 Aquinas**
Lake Oswego, Oregon 97035

A C C U S A T I O N

15 **Registered Nurse License No. 438860**
Public Health Nurse Certificate No. 47679

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about March 31, 1989, the Board of Registered Nursing issued Registered
25 Nurse License Number 438860 to Diana Michelle Cave, aka Diana Michelle Wash (Respondent).
26 The Registered Nurse License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on December 31, 2014, unless renewed.

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3. On or about July 3, 1991, the Board of Registered Nursing issued Public Health Nurse Certificate No. 47679 to Diana Michelle Cave, aka Diana Michelle Wash (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2014, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Disciplinary Action by Another Health Care Agency –**
10 **Oregon Board of Nursing)**

11 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), on
12 the grounds of unprofessional conduct in that Respondent was disciplined by the Oregon Board of
13 Nursing in the form of a Voluntary Surrender of License for conduct that, if proven, would
14 constitute violation of Oregon Revised Statutes 678.111(1)(f)/OAR 851-045-0070(1)(a) (conduct
15 derogatory to the standards of nursing); (2)(j) (aiding, abetting or assisting individual to
16 circumvent law); and 4(b) (failing to conform to essential standards of acceptable and prevailing
17 nursing practice). The circumstances are as follows:

18 10. On or about June 6, 2010, the Oregon Board of Nursing received information that
19 Respondent had issued a Basic Life Support (BLS) card to a co-worker while employed at Legacy
20 Hospital without having the co-worker complete all the appropriate skills, demonstrations and
21 written test, and that Respondent instructed the co-worker to be dishonest to his employer and tell
22 his employer that he had taken the written test prior to receiving the card.

23 11. On or about March 3, 2011, after an investigation by the Oregon Board of Nursing
24 confirmed the information received, the Board accepted Respondent's voluntary surrender of her
25 Oregon Nursing License No. 094006455RN.

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1 **PRAYER**

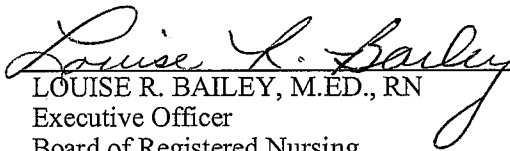
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 438860 issued to Diana
5 Michelle Cave, aka Diana Michelle Wash;

6 2. Ordering Diana Michelle Cave, aka Diana Michelle Wash, to pay the Board of
7 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
8 pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: March 20, 2013


12 LOUISE R. BAILEY, M.ED., RN
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

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